

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 1:09-cr-00136-JPH-MJD
)
ALBERTO SANTANA-CABRERA,) -01
)
)
Defendant.)

Entry Addressing Motion for Status Update

On May 8, 2020, Defendant filed a pro se motion that the Court construed as a Motion for Compassionate Release under the First Step Act of 2018. Dkt. 238. On May 18, 2020, the Court appointed counsel to represent Defendant. Dkt. 242. Attorney Terry Tolliver appeared on Defendant's behalf on May 20, 2020. Dkt. 243. On September 3, 2020, Defendant filed a pro se letter with the Court. Dkt. 245. In the letter, he states that he has written to attorney Sara Varner at the Indiana Federal Community Defenders two times but has not received a response and has not otherwise had any communication with an attorney. *Id.* He asks whether Attorney Varner is his attorney and whether an attorney has filed an amended motion for compassionate release on his behalf or adopted his pro se motion. *Id.*

Defendant's motion for a status update, dkt. [245], is **granted to the extent that the Court explains as follows:** Attorney Varner is not representing Defendant. Instead, Attorney Terry Tolliver has appeared on Defendant's behalf. Attorney Tolliver's contact information, stated in his Notice of Appearance, is:

Terry Tolliver
Brattain & Minnix
One Indiana Square, #2625
Indianapolis, IN 46204
(317) 237-1750
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As of the writing of this Entry, Attorney Tolliver has not filed an amended motion for compassionate release on Defendant's behalf or adopted Defendant's pro se motion.

In addition, the Court notes that it stayed this case on May 18, 2020. Dkt. 242. It ordered that "[p]roceedings will resume, and the stay will be lifted, when counsel files an Amended Motion for Compassionate Release on the Defendant's behalf or adopts Defendant's previously-filed Motion (by notifying the Court and filing a motion to lift the stay), a Stipulation to Reduction of Sentence is filed, or the Court grants counsel's motion to withdraw from the Defendant's case." *Id.* The Court notifies the parties that, if one of these events has not occurred by **November 6, 2020**, the Court will lift the stay and enter a briefing order. The Court will extend the stay only upon motion from Defendant's counsel that is supported by good cause

SO ORDERED.

Date: 9/9/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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